

MINUTES

**TENNESSEE SOLID WASTE DISPOSAL CONTROL BOARD MEETING
RUTH NEFF CONFERENCE ROOM
17TH FLOOR, L & C TOWER
401 CHURCH STREET
NASHVILLE, TENNESSEE
OCTOBER 3, 2006**

Board Members Present:

Mr. Jack O'Grady, Chairman

Mr. Mike Apple

Mr. John Barker

Ms. Elaine Boyd

Mr. Wilton Burnett

Mr. Kenneth Donaldson, Vice-Chairman

Dr. Greg Nail

Board Members Absent:

Ms. Melissa Bryant

Mr. Knox Horner

Ms. Sherry Sloan

After noting a quorum was present, Mr. O'Grady called the meeting to order at 9:15 a.m.

I. SOLID WASTE DISPOSAL CONTROL BOARD MATTERS

A. Approval of Minutes from June 6, 2006 Board Meeting

There being no discussion/questions regarding the Minutes, Chairman O'Grady asked for a Motion to approve the Minutes. Mr. Burnett moved for approval, Mr. Donaldson seconded and the Minutes were unanimously approved.

II. GENERAL BUSINESS/STAFF REPORTS

A. Hazardous Waste Permitting Activities (10/01/05 - 09/30/06)

Jamie Burroughs presented the Hazardous Waste Permitting Activities Report for October 1, 2005 through September 30, 2006. It included the corrective action activities for the year, GPRA, permitting activities, closure activities, trial burn activities and fees collected that were non annual fees.

Mr. O'Grady asked about fee comparison to last year. Ms. Burroughs stated they were about the same, maybe a little bit less than last year.

III. REGULATORY MATTERS

A. Proposal to delist R. T. Rivers Site, Site #41-503; Pinewood, Hickman County, TN

Mr. Robert Powell presented a site description and background of the property site on Highway 48 in Hickman County, Tennessee that consisted of approximately 3.38 acres. In the center of the site was a shell of a building that had been used for processing salvaged materials. There were various pieces of scrap equipment and metal debris strewn across the site.

Historically, the property was utilized as farmland until Mr. Rivers purchased the property and began a salvage operation in 1967. He collected waste materials from local industries, reclaimed recyclable materials and sold only those items that were profitable. He was not required to have a RCRA permit.

Mr. Powell gave a summary of the remedial investigation and cleanup, then listed the reasons for delisting which included:

- 1) The site has been evaluated and thoroughly characterized and
contaminates had been removed from the site to an approved facility for
disposal.
- 2) There is no longer a threat to human health and the environment.
- 3) The Rivers have settled with the department for \$15,000.00 cash,
which was based on their ability to pay. There are no other responsible
parties at the site. The DOR absorbed approximately \$56,009.56 as an
orphaned share from the hazardous waste remedial action fund.

There being no questions or further comments, Mr. Burnett made a motion to delist the site. Mr. Donaldson seconded. The roll call vote is as follows:

Mr. John Baker	Yes	Mr. Knox Horner	Absent
Ms. Elaine Boyd	Yes	Dr. Greg Nail	Absent
Ms. Melissa Bryant	Absent	Mr. Jack O'Grady	Yes
Mr. Wilton Burnett	Yes	Ms. Sherry Sloan	Absent
Mr. Kenneth Donaldson	Yes		

B. Proposal to delist General Metal Fabricators, Site ID #86-506; Erwin, Unicoi County, TN

Mr. Powell gave a brief description of the site located at 645 Watauga Avenue which sits on approximately 10.1 acres. There are several structures that include a paint storage area, a warehouse, office buildings, two paint lines and a spot welding line.

He gave a brief history as to the many owners and various business operations since 1916. The facility has been regulated by various state agencies since 1989 and received Notices of Violation. As a result of the investigations conducted, the release of hazardous substances to the soil and surface water pathways have been

documented. Many soil samples were taken and 6 monitoring wells and 3 piezometers installed at the site. As a precautionary matter, in order to prevent potential exposure from any residual contaminated media or groundwater at the site, the property owner was required to implement institutional controls in the form of deed restrictions which would limit the property use to only industrial/commercial, restrict soil disturbance and limit groundwater to non-potable uses pending permission from the Department of Environment and Conservation.

The site is proposed for removal from the List of Inactive Hazardous Substance Site for these reasons:

- 1) All contaminated media, migration pathways and exposure routes have been evaluated and either removed or determined to be of no adverse impact due to a risk evaluation.
- 2) Any residual potential risk due to surface exposure have been accounted for by the implementation of Institutional Controls. Deed restrictions were recorded on the deed at the Unicoi County Register of Deeds Office on June 6, 2006.
- 3) In May 2006, the Solid Waste Disposal Control Board approved an Agreed Order that required Mr. Joseph Sanchez to pay \$25,000.00 in oversight costs plus his costs of clean-up of the site and he has fully complied.

Based on the cleanup and the deed restriction, Mr. Barker made a motion that this be approved; seconded by Mr. Burnett.

Mr. John Baker	Yes	Mr. Kenneth Donaldson	Yes
Ms. Elaine Boyd	Yes	Mr. Kox Horner	Absent
Ms. Melissa Bryant	Absent	Dr. Greg Nail	Absent
Mr. Wilton Burnett	Yes	Mr. Jack O'Grady	Yes
		Ms. Sherry Sloan	Absent

**C. Proposal to delist Vance Tank Road Battery Site, Site #82-544
Bristol, Sullivan County, TN**

Mr. Powell gave a brief description of the site location at 1896 and 1912 Vance Tank Road in Bristol, Sullivan County, Tennessee. The City of Bristol had discovered the site during excavation of a sewer line on Vance Tank Road. The owner of the property, Ms. Widner, stated that she and her late husband had owned the property since 1948 and that her husband had cracked batteries to salvage lead for a period of two years on their property. The Division of Remediation visited the site and found many broken casings, including glass casings. The site was added to the List of Inactive Hazardous Substance Sites by action of this Board in December 2002, which became effective on April 16, 2003.

The Division of Remediation collected samples for all potential source areas on both properties. Samplings indicated that lead was present at significant levels above background. TCLP analyses on both properties indicated excess of the TCLP limit of 5 ppm for lead. The site was referred to EPA Emergency Removal Branch for removal of waste materials and contaminated soils.

The site has been investigated and all contaminated materials removed and disposed at an approved landfill facility; there are no longer threats to human health or environment; and the Division of Remediation has negotiated a de-minimus settlement arrangement with the current owner. Therefore, they recommend delisting.

A Motion was made to delist the property by Mr. Burnett and seconded by Mr. Donaldson. Roll Call vote:

Mr. John Baker	Yes	Mr. Knox Horner	Absent
Ms. Elaine Boyd	Yes	Dr. Greg Nail	Yes
Ms. Melissa Bryant	Absent	Mr. Jack O'Grady	Yes
Mr. Wilton Burnett	Yes	Ms. Sherry Sloan	Absent
Mr. Kenneth Donaldson	Yes		

D. Hazardous Waste Regulatory Update

Mr. Jerry Ingram gave a brief update on how ours compare with the Federal Regulations. He promised to forward copies of the new regulations as soon as they are printed. Rule Making Hearings will be open for comments until November 2, 2006, should any board member wish to make comments.

Mr. Apple made an announcement that Mr. Jerry Ingram was moving from the Solid Waste Division to be the Rule Making Coordinator for the Department. He will coordinate between the Secretary of State and the Attorney General's Office

IV. Agreed/Consent Orders

Mr. David Henry spoke on behalf of three Agreed Orders being brought before the Board for approval.

A. Robinette Company

The Robinette Company is a commercial flexographic printer of packaging materials and a conditionally exempt small quantity generator. The facility was inspected. Violations were found. Show cause meeting was held and the Division continued enforcement. A director's order was issued and Robinette filed an appeal. There was an agreed order entered July 27, 2006 for civil penalty of \$10,755 and \$255.12 in Damages. The Agreed Order was accepted on August 8, 2006, and Robinette submitted full payment.

Mr. Barker made a Motion to accept the Agreed Order; seconded by Mr. Donaldson. Unanimously approved by the Board.

B. BFI Waste Systems of Tennessee, LLC

In April 2005 a contractor for BFI was drilling a well for the collection and extraction of landfill gas at the Middle Point Landfill in Rutherford County. He drilled too deep and punctured the synthetic liner. BFI notified the Division of the violation. In

January 2006, the Division issued an Order to BFI for violating the statutes and rules giving them a choice to either pay \$50,000 in penalties or execute an approved Supplemental Environmental Project. BFI appealed and later agreed to donate \$50,000 to the Rutherford County Conservation Board to build an outdoor classroom in a proposed Murfreesboro city park. The Agreed Order is before the Board for approval.

Mr. Donaldson made a Motion to approve, Mr. Burnett seconded. Unanimously approved by the Board.

C. BFI Waste Systems of Tennessee, LLC

BFI owns and operates a permitted Class 1 solid waste disposal facility in Hawkins County. The Division approved a permit modification to include a leachate recirculation plan. The facility was inspected nine times in response to continuing problems with operational compliance. A show-cause meeting was held in November 2005. BFI subsequently demonstrated there had been no economic benefit from the alleged leachate violations. The Director issued an Order for a Civil Penalty of \$60,500 and \$5,457.28 in Damages. BFI filed a timely appeal. Negotiations ensued. BFI proposed a Supplemental Environmental Project in lieu of penalty and damages wherein certain electronic and survey equipment be donated to TDEC and to construct a forcemain to facilitate the off-site treatment and disposal of leachate from the Facility. The total cost of the proposed SEP is \$231,000.00 The Division of Solid Waste Management and the Office of General Counsel approve and support the SEP project. Mr. Calloway entertained questions from the Board. Mr. Burnett moved to approve; Mr. Donaldson seconded. Unanimous approval.

V. Other Business

Mr. Apple gave a brief update as to the increase in fees to investigate old dump sites. In the next week there will be a guidance committee meeting to kick off this effort to start investigating all the old dump sites across the state that was committed to for the legislature. There will be notes and updates to keep the Board informed

There being no other business, the meeting adjourned at 10:35 am

SUBMITTED BY:

Mike Apple, Technical Secretary

Date

APPROVED BY:

Jack O'Grady, Chairman
Solid Waste Disposal Control Board

Date